Single Bench

CF:1002

(2) (4)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

WRIT PETITION NO. 4471 /06

(S)

WRIT PETITION UNDER ARTCLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER

Shri Ram Pati Ram, son of Shri Muneshwar Ram aged about 62 years, occupation Retired Office Superintendent R/o. Namnakala, Near Polytechnic college, Ambikapur, Surguja (C.G.)

P.R. No. US 21/06
Presented by Shri Mahendra Dubey
dated (18) 8/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
2. Collector. Distt. Surguja (C.G.)
3. The Chief Executive Officer, Janpad Panchayat Mainpat, Surguja (C.G.)

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4471 **सन्** 2006

(32)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28-8-2006

Mr. Rakesh Kumar Jha, counsel for the petitioner.

Mr. Sumesh Bajaj, Govt. Advocate for the State/respondents No.1 & 2, on advance copy.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has prayed for quashment of the recovery order dated 8-11-2004 (Annexure P-1) and further directing the respondents to pay the GPF amount.

The case of the petitioner is that he retired in the year 2004 as Office Superintendent in the Office of respondent No.2. Thereafter, vide order Annexure P-1, recovery of Rs.44,220/- was ordered against the petitioner on which the petitioner represented to the authorities and on enquiry, the Chief Executive Officer, Janpad Panchayat: Mainpat passed the order dated 19-5-2005 (Annexure P-7), whereby the petitioner was exonerated and it was held that the petitioner is not liable for any loss and no recovery can be effected from him, even then, the recovery is being effected from the petitioner and the final payment of the GPF is not being made to the petitioner. But the petitioner has not made representation to respondent No.2 to the effect that in view of the order dated 19-5-2005, recovery of Rs.44,220/- cannot be effected from the petitioner.

In the circumstances, learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.2 and

P.T.O.

XI-HC-78

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्र.	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respondent No.2 be directed to decide the same, to which learned counsel appearing for the State/respondents No.1 & 2 has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and having perused the record of the case, the petitioner is allowed to make a representation to respondent No.2 raising his grievance that in view of the order dated 19-5-2005 passed by the Chief Executive Officer the petitioner is not liable for making any payment of Rs.44,220/-, annexing a copy of the writ petition and its annexures within fifteen days from today and in turn, respondent No.2 is directed to decide the representation within one month from the date of its receipt after considering the documents and points raised by the petitioner, in an objective manner, in accordance with law. If as per the order dated 19-5-2005, the petitioner is held to be not liable for payment of Rs.44,220/-, then the case of final payment of the GPF of the petitioner be forwarded to the Office of the Accountant General and in turn, the Office of the Accountant General shall pass order for final payment of GPF considering the report of the concerned authority.

With the directions aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.3466/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.

31.8.06